THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.25402 of 2005

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Dated:08.12.2005

Between:

Smt.Shahnaz Fatima W/o.Syed Zameeruddin
R/o.Plot No. 12, in Sy.No.89, Hakeempet village Shaikpet Mandal,

Hyderabad.

..... PETITIONERS

AND

The Government of Andhra pradesh, rep.by its Secretary Revenue

Department, Secretariat, Hyderabad, and others.

.....RESPONDENTS

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ORDER:

The first petitioner purchased an extent of 204 square yards of land in Plot No.12 in Survey No.89 situated at Hakeempet Village from Sri Shaik Mahboob Ali, who is alleged to be the owner. Likewise petitioner Nos.2 and 3 purchased extents of 204 square yards and 300 square yards respectively in Plot Nos.75 and 57 respectively. They also alleged that the petitioners have constructed houses and residing there. Having come to know that the petitioners purchased part of the Government land, they made a representation on 06.01.2003 to the Mandal Revenue Officer seeking regularization of their occupation in accordance with G.O.Ms.No.508, dated 20.10.1995, in vain. Therefore, they filed the present writ petition seeking a direction to the respondents to regularize the occupation of the petitioners in respect of their house sites in Plot Nos.12, 75 and 57.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignments), this Court is convinced that the petitioners have not made out any case to infer any right for regularization under G.O.Ms.No.508, dated 20.10.1995. A perusal of the said Government Order, a copy

of which is placed before this Court, would show that so as to regularize the encroachment of Government property, the Government issued certain guidelines in the said Government Order. As per the said Government Order, the encroachers were given 45 days time from the date of issue of the Government Order i.e., 20.10.1995, to apply for regularization in respect of the encroachments which is over five years and the Government directed such applications to be considered by duly constituted District Committees under the Chairmanship of the District Collector. The Government subsequently issued G.O.Ms.No.940, dated 24.11.1998, extending the period for filing applications up to 31.03.1998. This was further extended up to 31.12.1998 by G.O.Ms.No.972, dated 04.12.1998, and thereafter no extension was granted. As per G.O.Ms.No.508, read with G.O.Ms.Nos.940 and 972, the person who makes application on or before 31.12.1998 is alone entitled to seek regularization of encroachment. In this case, even according to the petitioners, they purchased the property in question on 1st February 1995 and their occupation of the land does not fall within the category as identified in G.O.Ms.No.508, dated 20.10.1995. Further, the petitioners admittedly made an application for regularization on 06.01.2003, which is long after the expiry of the due date i.e., 31.12.1998. Therefore, the petitioners cannot be granted any relief. Further, as their application is pending from January 2003, the Mandal Revenue Officer is directed to place the application before the District Collector for passing appropriate orders in accordance with the Government Orders referred to hereinabove.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

08.12.2005

vs